

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

UNITED STATES TRUSTEE

Plaintiff,

v.

THOMAS MCAVITY, and NORTHWEST
DEBT RELIEF LAW FIRM,

Defendants.

Misc. P. No. 20-00400-MJH

ORDER FOR REFUND OF ATTORNEY’S
FEES AND EXPENSES

THIS MATTER, having come before the Court on the agreement of the Acting United States Trustee for Region 18, Gregory M. Garvin, by and through his attorney, Matthew J.P. Johnson, and Defendants, by and through their attorney, Johnston Mitchell, seeking to resolve and settle disputes between the United States Trustee and Defendants. The United States Trustee contends certain actions are a violation of the Stipulated Order (ECF No. 50) previously entered in this proceeding. Specifically, the Defendants received and deposited certain fees and costs from debtors in chapter 13 cases situated in the United States Bankruptcy Court for the Western District of Washington. The Defendants dispute that their actions violated the Stipulated Order. To resolve the matter, Defendants have agreed to refund the fees and costs received from the cases listed in

ORDER

Office of the United States Trustee
700 Stewart St., Suite 5103
Seattle, WA 98101-1271
Phone: 206-553-2000,
Fax: 206-553-2566

paragraph 1 below and in the amounts listed in paragraph 1. The refunded fees and costs will be returned to the debtors in these cases, if they have completed their chapter 13 plans, or will be placed into funds available for distribution to creditors in cases still in progress. The United States Trustee shall file motions to reopen any closed cases, as necessary, so that the chapter 13 trustees in this district may effectuate the distribution of the refunded fees and costs.

The Court, having considered the stipulation of the parties,

HEREBY ORDERS:

1. Defendants will issue refunds to the following individuals in the following chapter 13 bankruptcy cases situated in the United States Bankruptcy Court for the Western District of Washington.

<u>Name</u>	<u>Case Number</u>	<u>Amount</u>	<u>Location</u>
Westfall	16-12558	\$1,875.00	Seattle
King	17-13311	\$1,014.00	Seattle
Meyers	17-14186	\$771.00	Seattle
Naylor	17-14536	\$626.00	Seattle
Ayala	17-15298	\$746.00	Seattle
Morton	19-11113	\$918.00	Seattle
Schmeising	19-14650	\$877.59	Seattle
Tran/Sanchez	20-11307	\$926.00	Seattle
Bunn	16-44372	\$1,905.25	Tacoma
Perron	17-44149	\$724.75	Tacoma
Selk	17-44151	\$1,431.75	Tacoma
Valle	18-43723	\$7,531.25	Tacoma
Moccardine	18-43838	\$1,452.00	Tacoma
Upton	18-43884	\$1,221.75	Tacoma
Av	19-41026	\$1,488.75	Tacoma
Chatelain	19-42824	\$975.00	Tacoma
Gefre	19-42933	\$1,213.25	Tacoma
Laddusaw	19-43608	\$1432.25	Tacoma
Beck	20-40087	\$437.00	Tacoma
Herrick	20-40842	\$2,175.71	Tacoma
Addy	20-41274	\$1,108.25	Tacoma

ORDER

Office of the United States Trustee
700 Stewart St., Suite 5103
Seattle, WA 98101-1271
Phone: 206-553-2000,
Fax: 206-553-2566

Pope	20-42191	\$1,665.00	Tacoma
Larsen	20-42428	\$945.72	Tacoma

2. Defendants will mail the money to the chapter 13 trustee who disbursed the funds to Defendants within fifteen (15) business days of the date of this Order. Michael G. Malaier, the chapter 13 trustee located in Tacoma Washington or Jason Wilson Aguilar, the chapter 13 trustee located in Seattle Washington, (the "Chapter 13 Trustee") shall send the refunds to the applicable entities. Based on paragraph 1 above, the Defendants will send a check in the amount of \$25,707.68 to Mr. Malaier and will send a check in the amount of \$7,753.59 to Mr. Wilson Aguilar.

3. The Chapter 13 Trustee will stop payment on any check remaining unpaid after ninety (90) days and deposit such unpaid funds with the registry of the United States Bankruptcy Court for the Western District of Washington. Within fourteen (14) days of such deposit, the Chapter 13 Trustee will send notice to the person entitled to such funds at their last known address, that the funds have been deposited into the Court's registry.

/// END OF ORDER ///

Agreed to/by:



Thomas McAvity, individually and as owner of Northwest Debt Relief Law Firm

Agreed to/Presented by:

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA #40476
Attorney for the United States Trustee

ORDER

Office of the United States Trustee
700 Stewart St., Suite 5103
Seattle, WA 98101-1271
Phone: 206-553-2000,
Fax: 206-553-2566

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Approved as to form:

Johnston Mitchell

Johnston Mitchell, WABA #29513
Attorney for Thomas McAvity and Northwest Debt Relief Law Firm

ORDER

Office of the United States Trustee
700 Stewart St., Suite 5103
Seattle, WA 98101-1271
Phone: 206-553-2000,
Fax: 206-553-2566